

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 14552, of Dr. and Mrs. Russell Nauta, pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the rear yard requirements (sub-section 3304.1) and the side yard requirements (Sub-section 3305.1) to construct an addition to a nonconforming structure in an R-1-B District at premises 4504 Albemarle Street, N.W., (Square 1566, Lot 2).

HEARING DATE: February 11, 1987
DECISION DATE: March 4, 1987

FINDINGS OF FACT:

1. The site, known as premises 4504 Albemarle Street, N.W., is located on the south side of Albemarle Street between 45th and 46th Streets, N.W. The site is located in an R-1-B District.

2. The site is rectangular in shape with a frontage of 50 feet along Albemarle Street and a depth of 70 feet. A 16 foot wide public alley is located to the west of the site. The site is improved with a two story brick house constructed prior to May 12, 1958, the effective date of the current Zoning Regulations. On that date the structure became nonconforming as to its side and rear yards.

3. The R-1-B District extends in all directions from the site. The area is developed with single family detached homes.

4. Pursuant to Paragraph 8207.11 of the Zoning Regulations, the applicants are seeking variances from the rear yard requirements (Sub-section 3304.1) and the side yard requirements (Sub-section 3305.1) to construct an addition to the rear of the structure.

5. The structure is a three bedroom house. The existing kitchen, located at the rear on the first floor, measures eight feet by 11 feet.

6. The existing garage measures ten feet by 20 feet and is accessed from the public alley. It is currently used for storage. The entrance to the garage is ten feet wide, making it difficult to access from the 16 foot wide public alley. The existing garage is a nonconforming structure comprising of 200 square feet.

7. The proposed addition would enlarge the kitchen area to 11 feet by 15 feet and provide a one-story breakfast room measuring eight feet by 15 feet. The addition would be located to the rear of the existing kitchen. The addition, will comprise 120 square feet. It would extend eight feet into the rear yard.

8. The existing rear basement stairs would be removed and replaced in line with the existing basement door. The existing garage would be remodeled into an open, brick-paved parking stall. Two exterior walls and the roof would be removed, the party wall would be brick faced and the existing garage door and alley facade would be maintained. The space will function as a combination parking area and rear patio.

9. To make the cost of the addition affordable, the existing retaining wall which gives access to the basement will be utilized.

10. The applicants live at the site with their children and will continue to do so after the construction of the proposed addition.

11. Advisory Neighborhood Commission (ANC) 3E did not submit a timely report on the application.

12. Letters were submitted to the record by neighbors of the site in support of the application.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing through substantial evidence of a practical difficulty upon the owner arising out of some unique or exceptional condition of the property such as exceptional narrowness, shallowness, shape or topographical conditions. The Board further must find that the relief requested can be granted without substantial detriment to the public good and that it will not substantially impair the intent, purpose and integrity of the zone plan.

Sub-section 3304.1 of the Zoning Regulations requires a rear yard of 25 feet. The addition will provide a rear yard of 15.33 feet necessitating a variance of 9.67 feet, or 38.68 percent. Sub-section 3305.1 requires that a side yard of eight feet be provided. The construction of the addition will result in a side yard of 7.08 feet necessitating a variance of, 92 feet, or 11.5 percent.

The Board concludes that the applicants have met the the burden of proof. The existing structure is a

nonconforming structure now providing a rear yard approximately 23 feet four inches and a side yard of two feet. The existing nonconforming garage now located at the rear of the site will be removed reducing the total square footage of lot coverage. It is not practical to locate the addition the approximately ten inches to the center of the yard needed to meet the requirements of the Zoning Regulations as the addition will utilize an existing retaining wall. The Board notes that the addition is located nearest the side yard adjacent to the alley. The Board further concludes that there is no other logical location for the addition at the site.

The Board further concludes that granting the proposed relief will not cause substantial detriment to the public good and will not substantially impair the intent, purpose and integrity of the zone plan. Accordingly, it is hereby ORDERED that the application is GRANTED SUBJECT to the CONDITION that construction shall be in accordance with the plans marked as Exhibit No. 9 of the record.

VOTE: 3-0 (William F. McIntosh, Maybelle T. Bennett and Paula L. Jewell to grant; Charles R. Norris and Carrie L. Thornhill not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: APR 10 1987

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.